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10 **Attorney for Debtors**

11 **IN THE UNITED STATES BANKRUPTCY COURT**
12 **DISTRICT OF ARIZONA, PHOENIX DIVISION**

In re:)	
)	Chapter 13
GONZALO CASTANEDA,)	
)	Case No. 2:09-bk-31617-RTB
VERONICA LYNN BROWN-)	
CASTANEDA)	
)	RESPONSE TO THE TRUSTEE'S
Debtors.)	NOTICE OF A HEARING RE:
)	CONFIRMATION OF THE PLAN

16 The Debtors, by and through counsel undersigned, hereby Respond to the
17 Trustee's Notice of a Hearing Re: Confirmation of the Plan. The Debtors agree that
18 a hearing would be in the best interest of the case. This Response is intended to
19 educate the Court as to the issue that is delaying confirmation.

20 The Stipulated Order Confirming is held up by a single issue. The Debtor's
21 are currently repaying 401K loans. These payments will end during the time of the
22 plan. The Debtor's suggest that the best way to handle the increase in income is to
23 confirm the plan based on the current conditions and then re-evaluate the net
24 income when the repayments are complete.

1 The Debtor's believe this is the best way to handle the situation because their
2 child has been diagnosed with Down Syndrome. The Debtors desire to participate
3 in the NACD program, <http://nacd.org/>, and possibly horse therapy. The Debtors
4 currently simply do not have the money to supply their child with these services.
5 However, when the 401K repayments have concluded, the Debtors hope to acquire
6 these services. The Debtors believe that these services are legitimate medical
7 services. If the plan payments are adjusted as the Trustee has requested, the
8 Debtor's child will simply go without these services for the full term of the plan.
9

10 The Trustee believes that the plan payments should be based on income that
11 will change, but does not want to take into account expenses that might change.
12

13 The information regarding the extra costs associated with raising a child with
14 special needs was sent to the Trustee, but it appears we are at an impasse.
15 Therefore, the Debtors believe judicial intervention would be helpful in confirming
16 the plan.
17

18 **RESPECTFULLY SUBMITTED** this 29th day of June 2010.
19

20 /s/ Joseph W. Charles
21 Joseph W. Charles
22 Chris Short
23 Joseph W. Charles, P.C.
24 Post Office Box 1737
25 Glendale, Arizona 85311-1737
26 *Attorneys for Plaintiff*
27
28

1 **ORIGINAL** electronically filed
2 with the Clerk of the Court this
3 29th Day of June 2010, and a
4 **COPY** of the Foregoing
5 mailed to:

6 Edward J. Maney
7 P.O. Box 10434
8 Phoenix, AZ 85064
9 Chapter 13 Trustee

10
11 By: /s/ C. Short